THE HON'BLE SRI JUSTICE C.V. RAMULU

Wednesday, the 1st day of August,2007

W.P.No.12436 of 2002

Between:-

M/s. Sri Sairam Binny Modern
Rice Mill, rep. by its Managing
Partner, K.Rajiah … Petitioner

and

Government of Andhra Pradesh,
rep. by its Secretary, Panchayat
Raj, Rural Development and Relief,
Secretariat, Hyderabad
and others … Respondents

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ORAL ORDER:

The issue that arises for consideration in this Writ Petition is no more *res integra* and is covered by the ratio laid down in the Judgment reported in **T. KESAVA CHANDRA GUPTA v. GOVERNMENT OF ANDHRA PRADESH** {2001(1) ALD 45} wherein it was held as under:

> "The Rice Milling Industry (Regulation) Act,1958 has been repealed by the Rice Milling Industry (Regulation) Repeal Act,1997. However, as on the date of issue of the Proceedings dated 28-11-1995 by the Narasannapeta Gram Panchayat and as on the date of issue of G.O.Ms.No.16, Panchayat Raj and Rural Development Relief (PTS.III) Department, dated 10-1-1996, the Rice Milling Industry (Regulation) Act,1958 was in force and the State Legislative field referable to Entry 24 of List 2 was pre-empted and eclipsed by operation of Entry 52 of List 1 read with the provisions of the 1958 Act. Consequently, neither the notification of the Gram Panchayat dated 28-11-1995 nor the provisions of the Government Order could operate to regulate the rice milling industry as being without a foundation in legislative authority."

In view of the above, the Writ Petition is allowed in terms of the said Judgment. No order as to costs.

01-8-2007

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